IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.36747 of 2007 and
M.P.No.1 of 2007

A.Mahaboob Jan .. Petitioner

Versus

1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Nallur-641 606, Tirupur,
Coimbatore District.

2.The Executive Officer,
Arulmighu Vishweswara Swamy Temple
Kangeyam Road,
Tiruppur, Coimbatore District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to order, dated 10.10.2007, passed in Ka.No.Assistant Engineer/Nallur,/Dvn.Indl./Ka.No.228/07 and quash the same and consequently direct the 1st respondent to give Electricity Service connection to the house in S.F.No.133, Site No.26, Kanchi Nagar, Kasipalayam Road, Nallur Village, Tiruppur-6, Coimbatore District on receipt of the application for electricity service connection from the petitioner.

For petitioner : Mr.N.Srinivasan
for Mr. S. PL. Palaniappa

For respondents: Mr.S.N.Kirubanandam (R1)
Mr.K.Chandrasekaran (R2)

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O R D E R

Heard N.Srinivasan, the learned counsel appearing for the petitioner and Mr.S.N.Kirubanandam, the learned counsel appearing for the first respondent and Mr.K.Chandrasekaran, the learned counsel appearing for the second respondent.

2. It is stated that the petitioner had purchased the vacant site bearing S.F.No.133, Site No.26, Kanchi Nagar, Kasipalayam Road, Nallur Village, Tiruppur-6, Coimbatore District, measuring about 900 sq.ft, by a Sale deed, dated 19.06.1995, and registered as Document No.1780/1995. The petitioner has been in absolute possession and enjoyment of the said land from the date of its purchase. The petitioner had constructed a house on the said land and he had applied for electricity service connection for his house. The first respondent by his letter Ka.No.Assistant Engineer/Nallur/Dvn.Indl./Ka.No.228, dated 10.10.07, had returned the petitioner's application for electricity connection without considering it on merits, merely for the reason that the second respondent, namely, the Executive Officer of Arulmighu Vishweswara Swamy Temple, had by a letter, dated 30.10.2004, objected to the granting of electricity connection for the lands comprised in S.F.No.133, Site No.26, Kanchi Nagar, Kasipalayam Road, Nallur Village, Tiruppur-6, Coimbatore District. In the letter of the second respondent, dated 30.10.2004, it has been alleged that the said land belongs to the temple and therefore, the electricity connection should not be given to the houses constructed on it. The petitioner has further stated that the second respondent temple has not initiated any action to claim that the land in question belongs to the temple and no action has been taken by the temple against the alleged encroachment of its lands. In such circumstances, the petitioner has come before this Court, by way of a writ petition, invoking Article 226 of the Constitution of India.

3. At the time of the hearing of the writ petition, the learned counsel appearing on behalf of the Hindu Religious and Charitable Endowments Department had submitted that he would have no objection to the application of the petitioner being considered by the first respondent, if a fresh application is made for the grant of electricity connection.

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4. The learned counsel appearing on behalf of the first respondent had no objection to consider the application of the petitioner for electricity connection, as and when it is made, in accordance with the directions to be issued by this Court.

5. Considering the facts and circumstances of the case, the petitioner is permitted to submit a fresh application to the first respondent, requesting for electricity connection, within a period of two weeks from the date of receipt of a copy of this order and on such application being made, the first respondent is directed to consider the same in the light of Rule 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, and dispose of the same, on merits and in accordance with law, within a period of four weeks from the date of its submission.

With the above observations, the writ petition is disposed of. No costs. Consequently, connected M.P is closed.

Csh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Nallur-641 606, Tirupur,
Coimbatore District.

2.The Executive Officer,
Arulmighu Vishweswara Swamy Temple
Kangeyam Road,
Tiruppur, Coimbatore District.

+ 1 cc to Mr. S. Pl. Palaniappa, Advocate SR No. 73491

NSM(CO)
SR/20.12.2007

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